IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CWP No.13712 of 2004

Date of Decision: 23.11.2006

State of Punjab and others .....Petitioners

Versus

Jasminder Kaur and another .....Respondents

CORAM:- HON'BLE MR.JUSTICE J. S. KHEHAR
HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.Ashok Aggarwal, Addl.AG Punjab
for the petitioner.

Mr.Amit Chopra, Advocate for respondent No.1.

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Respondent No.1 approached this Court by filing civil writ petition No.6979 of 1989. The solitary prayer of the petitioner in the aforesaid writ petition was that she should be deemed to have been regularised in the service from 1.4.1977 and not from 9.4.1980. Rather than disposing of the claim of the petitioner on merits, the claim raised by the petitioner was referred to the Lok Adalat attached to this Court. The Lok Adalat, by its order dated 19.1.2004, found the petitioner entitled to regularisation w.e.f. 1.4.1977.

The order dated 19.1.2004 is subject matter of challenge at the hands of the petitioner through the instant writ petition. The solitary contention of the learned counsel for the petitioner is, that the lok adalat had no jurisdiction to pass the order dated 19.1.2004 without the express

consent of the petitioner. It is also the contention of the learned counsel for the petitioner that the order dated 19.1.2004 had actually been passed without such consent.

There can be no dispute whatsoever that the order passed by the Lok Adalat is to be a consented order at the hands of rival parties. Since in the instant case, the impugned order dated 19.1.2004 is without an express consent of the petitioner, the same is liable to be set aside and is accordingly set aside.

As a natural consequence of the instant order, the civil writ petition No.6979 of 1989 disposed of by the Lok Adalat's order dated 19.1.2004 shall stand revived. The same is taken up for disposal separately in terms of our order dated 21.11.2006.

Writ petition stands disposed of accordingly.

(J. S. KHEHAR)
JUDGE

(S. D. ANAND)
JUDGE

November 23, 2006
SRM